

Bill No. 23-15
Concerning: Contracts - Local Small
Business Reserve Program -
Amendments
Revised: May 19, 2015 Draft No. 2
Introduced: May 21, 2015
Enacted: September 15, 2015
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the County Executive

AN ACT to:

- (1) to modify the types of contracts subject to the Local Small Business Reserve Program;
- (2) amend the definition of a local small business under the Local Small Business Reserve Program;
- (3) change the reporting dates; and
- (4) generally amend the law regarding the Local Small Business Reserve Program.

By amending

Montgomery County Code
Chapter 11B, Contracts and Procurement
Sections 11B-65, 11B-66, 11B-67, and 11B-69

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 11B-65, 11B-66, 11B-67, and 11B-69 are amended as follows:

Article XV. Local Small Business Reserve Program

11B-65. Definitions.

In this Article the following words have the meanings indicated.

(a) *Local Small Business* means a for-profit business, other than a broker, that:

- (1) [generates a significant amount of economic activity] has its principal place of business in the County;
- (2) is independently owned and operated;
- (3) is not a subsidiary of another business; and
- (4) meets criteria, size limits, and gross sales amounts established by method 2 regulations.

* * *

11B-66. Local Small Business Reserve Program.

* * *

(c) The total dollar value of procurements by a using department does not include:

* * *

- (4) a public entity [or emergency] procurement;
- (5) an emergency procurement;
- (6) a bridge contract;
- (7) a cooperative procurement;
- (8) any waiver made under Section 11B-67(f);
- ~~[(6)]~~ (9) any procurement where no local small business is qualified or able to perform the contract; or

27 [(7)] (10) any single procurement that is estimated to exceed \$10
 28 million.

29 * * *

30 **11B-67. Procedures.**

31 * * *

- 32 (e) A local small business is no longer eligible for a procurement under this
 33 Article if the business has been awarded \$10 million in the aggregate in
 34 County contracts and at least 10 separate contracts, as either a prime
 35 contractor or a subcontractor, [since] beginning January 1, 2006. The
 36 Director must provide written notice to the business when it is no longer
 37 eligible.

38 * * *

39 **11B-69. Reports.**

- 40 (a) By [September] October 30 each year, each using department must
 41 submit to the Director a report on the number, type, and dollar amount of
 42 contracts issued under this Article.
- 43 (b) By November 30 each year, the Director must report to the Council on
 44 the Local Small Business Reserve Program. This report must include the
 45 number, type, and dollar amount of contracts awarded under this Article
 46 during the preceding fiscal year, the number, type, and dollar amount of
 47 each waiver, information about how these numbers have changed from
 48 the preceding fiscal year, and the extent of outreach efforts.

49

50 *Approved:*

51

Georg Leventhal

9/15/2015

George Leventhal, President, County Council

Date

52 *Approved:*

53

Isiah Leggett, County Executive

Date

54 *This is a correct copy of Council action.*

55

Linda M. Lauer, Clerk of the Council

Date